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The processing of divorce cases through civil court in seven provinces and territories

by Mary Bess Kelly

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. not available for any reference period
.. not available for a specific reference period
... not applicable
0 true zero or a value rounded to zero
0^s value rounded to 0 (zero) where there is a meaningful distinction between true zero and the value that was rounded
^{p} preliminary
^{r} revised
x suppressed to meet the confidentiality requirements of the *Statistics Act*
^{E} use with caution
F too unreliable to be published

The processing of divorce cases through civil court in seven provinces and territories: Highlights

- All divorces in Canada must go through a civil court in order to be legally recognized. In 2008/2009, divorce cases represented more than one-tenth of all civil court cases, and more than one-third of all family cases proceeding through court.

- A new divorce case is started when one or both parties in the marriage apply for a divorce with the court. In 2008/2009, there were just over 56,100 new divorce cases initiated in seven reporting provinces and territories—Nova Scotia, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut. Ontario represented almost 60% of this total, followed by British Columbia and Alberta at close to 20% each.

- Among five of the reporting jurisdictions, the total number of new divorce cases has declined 6% over the four year period ending in 2008/2009. There have been steady declines in new cases in Nova Scotia, Ontario and British Columbia over the four years, while the territories have seen some year-to-year fluctuations. (Data for Alberta and Northwest Territories are not available for part of this time period).

- New cases represented one-half of all divorce cases proceeding through civil court in the reporting provinces and territories in 2008/2009. This figure ranged from 20% for Nunavut to 60% for Ontario.

- In addition to new cases, in 2008/2009, civil courts processed another 56,000 ongoing divorce cases, or cases that had been initiated in a prior year. Three-quarters of all divorce cases in the reporting provinces and territories were no more than two years old.

- Cases may involve a variety of activities as they proceed through civil court, with events ranging from the filing of documents, to hearings before a judge, to decisions that may dispose of part or all of the case. Document filings accounted for almost two-thirds (65%) of all event activity for divorce cases in 2008/2009, ranging from 58% of all events in Ontario divorce cases to 87% in the Northwest Territories.

- Divorce cases rarely reach the trial stage. For cases initiated in 2005/2006 in four of the reporting provinces and territories, Nova Scotia, British Columbia, Yukon and Nunavut, 3% had a trial during the next four years.[1]

- Divorce cases may involve multiple dispositions, such as judgments or other decisions that resolve some or all of the case, over time. In over three-quarters (78%) of divorce cases in the reporting provinces and territories, the first disposition took place within the first six months of the case.

Note

1. Ontario has been excluded from the analysis since Ontario figures include trial hearings for uncontested divorces. An uncontested trial is a trial in which only the party making the claim provides evidence and submissions. The figures are therefore not comparable. Data for Alberta and Northwest Territories are not available for this time period, therefore they are also excluded.

The processing of divorce cases through civil court in seven provinces and territories

by Mary Bess Kelly

Divorce is a complex issue and the circumstances surrounding every divorce are diverse. In Canada, many couples experience divorce, with just over one-third of all marriages ending in divorce (Statistics Canada 2008a). In 2005 alone, there were over 71,000 divorces granted in Canada (Statistics Canada 2008b). Divorce can be a very challenging transition as couples work their way through the divorce and decide on arrangements for the support and care of any children involved. Studies have shown that there are many negative consequences associated with divorce such as reduced financial resources and a greater risk for children of divorced parents to experience social and academic difficulties and behavioural problems (Ambert 2009).

All divorces in Canada must go through a civil court in order to be legally recognized. In Canada, the civil court system is divided between the federal and provincial and territorial governments. Divorce cases are governed by the legislation contained in the federal *Divorce Act* and can be handled by two types of civil courts: superior courts and unified family courts. Superior courts hear cases related to federal statutes, including divorce cases. Unified family courts are specialist courts that only deal with issues involving family law and may hear matters under both federal and provincial-territorial legislation.[1]

In divorce proceedings, the federal *Divorce Act* applies to custody, access and support issues. Provincial and territorial legislation determines these issues for married and unmarried parents seeking separation, and divorcing parents who choose to have these issues determined under provincial legislation during their divorce proceedings (Department of Justice 2002).[2]

Using data from the Civil Court Survey, this article examines divorce cases as they proceed through the civil court system in seven provinces and territories (Nova Scotia, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut, which represent 66% of Canada's population).[3] Some of the key aspects associated with these cases are examined, including the volume of cases, the number and type of case events and the length of time taken to process cases. Where relevant, the analysis in this article compares divorce cases to all other family court cases including property division, custody, access and support under provincial law, adoption, child protection, civil protection, enforcement, family estate matters and guardianship.[4]

How many divorce cases are handled each year?

The *Divorce Act* establishes one ground for divorce, "breakdown of the marriage" which can be established in one of three ways: separation of one year or more; adultery; or mental or physical cruelty. Most divorces in Canada today are based on the reason that the couple has been separated and living apart for at least one year (Statistics Canada 2008c). Over the last four decades, changing socio-cultural conditions have contributed to a greater social acceptance of divorce, subsequently influencing changes to divorce legislation and the grounds for divorce. These changes have had an impact on the trend in couples seeking divorce (Text box 1).

Text box 1
Changes to divorce legislation over the last forty years are reflected in divorce rates

Prior to 1968, there was no federal divorce law in Canada and only some jurisdictions enacted divorce legislation. In some provinces, legislation allowed a husband to obtain a divorce on the grounds of his wife's adultery, and a wife to do so provided she could establish that her husband had committed certain acts or adultery coupled with cruelty or desertion (Douglas, 2001). In other provinces, either spouse was allowed to seek a divorce on the basis of adultery. In jurisdictions with no divorce legislation, divorces were granted on a case-by-case basis by private acts of the Parliament of Canada. In 1961, the crude rate of divorce in Canada was 36 divorces per 100,000 population, although there were substantial variations in rates among the provinces and territories (Text box table 1).[5]

In 1968, Parliament enacted the federal *Divorce Act,* introducing the concept of permanent marriage breakdown and widening the reasons for divorce from adultery to include mental or physical cruelty, desertion, separation for three years or having an imprisoned spouse. The grounds for divorce were equally available to husbands and wives. These changes sparked a large jump in the number of divorces and the rate of divorce more than doubled between 1968 and 1969, from 55 divorces per 100,000 population to 124. Rates continued to increase through the 1970s and 1980s, climbing to 239 in 1985.

Canada's current divorce law came into effect on June 1, 1986, after further reform of the *Divorce Act* in 1985. This legislation established one ground for divorce in Canada: "breakdown of marriage" building upon the concept introduced in 1968. Reasons for marital breakdown included those contained in the *Divorce Act* of 1968 but reduced the separation period from three years to one. Amendments to the act also provided for parties to file for a divorce jointly (Douglas, 2001). After introduction of the Act, rates of divorce rose substantially as divorce became easier to obtain and those who had been waiting for the amendments to take effect, divorced under the new law. The rate of divorce peaked in 1987 at 362 divorces per 100,000 population. Marital breakdowns from the large cohort of baby boomers, who married in large numbers in the early 1970s, may also have contributed to the higher rates of divorce during this peak period (Statistics Canada 2008d).

After the spike in 1987, rates declined and then levelled off through the 1990s (Statistics Canada, 1997). Divorce rates have since continued a downward trend, reaching 221 divorces per 100,000 population in 2005.

Marriage rates, meanwhile, have continued to decline since the 1970s as common-law unions are becoming more common and fewer people are choosing legal marriage. In 2006, married-couple families accounted for 69% of all census families, down from 80% two decades earlier (Statistics Canada 2007). During the same time period, the proportion of common-law couple families rose from 7% to 16%.

Text table 1
Crude divorce rates, Canada, provinces and territories

Province or territory	1961	1968	1969	1985	1986	1987	1990	1995	2000	2005
	Crude rate per 100,000[1]									
Canada	**36.0**	**54.8**	**124.2**	**238.9**	**298.8**	**362.3**	**282.3**	**262.2**	**231.2**	**220.7**
Newfoundland and Labrador	1.3	3.0	20.0	96.6	118.8	193.7	175.5	170.6	169.9	153.5
Prince Edward Island	7.6	18.2	91.9	166.3	154.5	213.1	214.4	191.0	197.0	204.8
Nova Scotia	33.2	64.8	102.1	263.3	292.4	307.8	265.1	244.6	218.2	209.5
New Brunswick	32.4	22.9	55.3	187.3	237.6	273.1	228.7	191.6	227.3	192.2
Quebec	6.6	10.2	49.2	236.4	282.5	324.7	291.6	274.5	231.2	203.0
Ontario	43.9	69.3	160.4	223.4	290.7	403.7	280.2	264.4	223.8	229.4
Manitoba	33.9	47.9	136.3	213.3	272.6	356.5	252.4	235.3	212.0	206.9
Saskatchewan	27.1	40.0	92.1	187.3	240.0	286.4	233.9	228.4	214.7	194.1
Alberta	78.0	125.7	221.0	336.0	391.8	390.2	332.1	276.6	271.7	246.4
British Columbia	85.8	110.8	205.0	278.6	374.1	397.6	296.1	275.0	246.8	233.8
Yukon	164.1	200.0	262.5	389.9	379.6	546.6	289.0	371.9	222.4	350.2
Northwest Territories	..	36.7	96.8	130.8	171.6	195.8	155.0	142.8	229.8	152.5
Nunavut[2]	...	...	...	...	...	...	...	...	25.5	33.3

1. Crude divorce rate is the number of divorces per 100,000 population.
2. Nunavut is included in the Northwest Territories before 2000.
Source: Statistics Canada, Canadian Vital Statistics, Vital Statistics Volume II, Marriages and Divorces, 1971, and Health Statistics Division, Divorces, Shelf tables, Catalogue Number 84F0213XPB and CANSIM table 101-6501.

A new divorce case is started when one or both parties in the marriage apply for a divorce with the court. The court must register all new divorce applications with the federal Central Registry of Divorce Proceedings (CRDP) to ensure that no other proceeding involving the same parties has already been started elsewhere. The court cannot grant a divorce until a clearance certificate has been issued by the CRDP and filed with the court confirming that there are no other ongoing actions.

In 2008/2009, there were just over 56,100 new divorce cases initiated in the seven reporting provinces and territories (Table 1). Ontario represented almost 60% of this total, with 32,369 new cases, followed by British Columbia and Alberta at close to 20% each.

Among five of the reporting provinces and territories, the total number of new divorce cases has declined 6% over the four-year period ending in 2008/2009. During this time, declines have been steady in Nova Scotia, Ontario and British Columbia, while the territories have seen some year-to-year fluctuations (Table 1). (Data for Alberta and Northwest Territories are not available for part of this time period).

New cases represented one-half of all divorce cases proceeding through civil court in the reporting provinces and territories in 2008/2009. In Ontario, six in ten divorce cases were new that year, compared to Nova Scotia, Alberta and Yukon at about four in ten.

In addition to new cases each year, civil courts continue to process ongoing divorce cases, or cases that had been initiated in a prior year. In 2008/2009, there were another 55,900 ongoing divorce cases in the reporting provinces and territories. These were cases that had some kind of case activity or event, such as a document filing, hearing or decision, during the year.

Civil courts handle divorce cases and all other family cases such as adoption, child protection, guardianship and cases involving property division, custody and access, and support under provincial law. Divorce cases accounted for one-third (34%) of all family cases being handled by the courts in the reporting jurisdictions in 2008/2009 (Table 1). The proportion was smallest in Nunavut (6%) while in Alberta and Yukon, the two locations with the highest rates of divorce in Canada, divorce cases accounted for at least 40% of all active family cases.

In addition to family court cases, civil courts handle non-family, or general civil cases such as motor vehicle actions and bankruptcy matters. Within the context of all civil court proceedings, in other words both family and non-family actions, divorce cases accounted for 12% of all active cases in 2008/2009 in the seven reporting provinces and territories, ranging from 5% in Nunavut to 15% in Alberta.

How many divorce cases are contested vs. uncontested?

The main purpose of a divorce is to end the legal relationship of marriage and finalize the various issues that may still exist between spouses such as the division of assets or property, spousal support, child support, custody and access. Lawyers and counselling services are commonly used by individuals during their divorce and there are also programs and services available to help divorcing spouses resolve issues and conflict before they go to court (Text box 2).

Text box 2
Lawyers and counselling services are commonly used by people going through divorce

Divorce can be a very difficult, stressful transition and people going through a divorce may make use of various programs and services for support and guidance through the experience. The following examines the use of these services by divorced individuals in Canada, using data from the 2006 General Social Survey.[6]

According to the General Social Survey, close to 600,000 persons in Canada went through a divorce between 2001 and 2006. More than eight in ten (82%) of these persons made use of one or more services to work through their divorce (Text box Table 2). The services of a lawyer were used by almost three-quarters (72%) of divorced persons, and counselling services were used by over one-third (35%) of divorced persons for either themselves or their children. Almost one-half of the recently divorced individuals had at least one child with a former spouse.[7]

All provinces and territories have, or are planning to have, programs and procedures in place to ensure that alternative dispute resolution services are available for addressing family law issues (Department of Justice 2006a). These services, such as mediation and conciliation, are designed to resolve issues and conflict between parties before they go to court. These kinds of services were used by almost one in five (18%) recently divorced persons.

Parent education programs are also offered in every province and territory in Canada. These programs provide information on the demands and challenges of parenting after separation or divorce, and educate parents on methods of communication, co-parenting and the effects of conflict on children (Department of Justice 2006a). About 13% of recently divorced persons with children used these types of programs during the divorce process.

Family law information centres have been established in most provinces and territories to provide information on the court system and other information or referrals that may assist individuals with their court cases (Department of Justice 2006a). There may also be community resource centres available to provide support and guidance through a divorce. About one in ten recently divorced persons made use of a family law information centre (11%) or community resource centre (10%) during their divorce.

Text table 2
Majority of divorced individuals use formal services during divorce

Type of program or service used	Recently divorced persons, Canada[1] percent
Used at least one program or service of any kind	82
Lawyer, including legal aid or duty counsel (for self or children)	72
Counselling (for self or children)	35
Conciliation, mediation or other Alternative Dispute Resolution service	18
Parent education or information sessions[2]	13
Family law information centre	11
Community resource centre for referrals or support groups	10
At least one other service[3]	8
Did not use any program or service	18

1. Recently divorced persons are those persons aged 15 and over who had experienced a divorce between 2001 and 2006. The General Social Survey sample included respondents in Canada's 10 provinces.
2. This percentage is based on those with children only.
3. Other service includes financial services and any other program or service.
Note: Any given respondent may have used multiple services. "Don't know" and "Not stated" responses were excluded.
Source: Statistics Canada, General Social Survey, 2006.

In some divorce cases, a joint application for divorce will be made, indicating that both parties have agreed to the divorce and any related issues. In other cases, a sole divorce application by one spouse will be filed with the court. The other spouse then has the opportunity to file an answer or Statement of Defence within a certain length of time to contest or dispute the divorce. If an answer is not filed, the divorce will proceed through court as uncontested. In most provinces and territories, the parties to an uncontested divorce no longer have to appear in court before a judge (Department of Justice Canada 2006b). Instead, a judge may grant a divorce judgment after reviewing the application and adequacy of the documentation filed.

Most divorce cases proceeding through court are uncontested. In the seven reporting provinces and territories, an answer had been filed in less than one-fifth (19%) of all active divorce cases in 2008/2009 (Text Table 3). Figures in individual jurisdictions ranged considerably from lows of 0% in Nunavut and 2% in Yukon to a high of 26% in Alberta.

Text table 3
Active divorce cases in 2008/2009 with Statement of Defence filed during case by year of case initiation

Province or territory[1]	Year of case initiation					Total	Total active divorce cases[2]	Percentage with Statement of Defence filed
	2008/2009	2007/2008	2006/2007	2005/2006	pre-2005/2006			
	number							percent
Nova Scotia	170	209	164	126	85	**754**	4,747	16
Ontario	3,195	3,406	2,033	1,048	0	**9,682**	52,977	18
Alberta	2,269	1,455	0	0	0	**3,724**	14,559	26
British Columbia	894	1,072	629	406	249	**3,250**	20,814	16
Yukon	2	0	2	0	0	**4**	175	2
Northwest Territories	7	8	11	0	0	**26**	134	19
Total	**6,537**	**6,150**	**2,839**	**1,580**	**334**	**17,440**	**93,406**	**19**

1. There were no cases with a Statement of Defence filed in Nunavut.
2. Excludes cases that were initiated before the province or territory began reporting to the Civil Court Survey.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

What issues are dealt with in divorce cases?

The *Divorce Act* outlines the criteria for child and spousal support and custody of and access to children after a divorce. It requires that lawyers promote negotiation, through means such as mediation, to settle these issues. The law also provides that custody and access decisions must be based on the best interests of the child and a court will not grant a divorce unless satisfied that reasonable arrangements have been made for the care and support of the children (*Divorce Act* 1985). Marital property issues are generally dealt with at the same time as divorce but under provincial and territorial family law legislation.

Complete information is not available;[8] however, findings from the Civil Court Survey show that one or more of the issues of access, custody, property and support were identified in at least 34% of all active divorce cases in the reporting provinces and territories in 2008/2009 (Text Table 4). The most common issues were support and property, each identified in about 80% of cases where an issue had been reported. Custody was an issue in at least 39% of cases, while access was identified in at least one-third of divorce cases with an issue.

Divorce cases can involve multiple issues as they go through court. At least one-quarter of all divorce cases with issues dealt with the three issues of access, custody and support (Text Table 4). At least 19% dealt with these three issues plus property during the life of the case.[9]

Text table 4
Active divorce cases by issue(s) identified over life of case, 2008/2009

Issues identified	Ontario	Alberta[1]	British Columbia	Yukon[2]	Northwest Territories	Nunavut	Total
			number				
All divorce cases with the following issue(s) identified:							
Access	4,174	3,524	4,311	.	32	17	12,058
Custody	4,335	3,191	6,467	75	56	33	14,157
Property[3]	3,345	17,233	7,703	.	43	15	28,339
Support	6,596	14,559	8,344	51	51	35	29,636
Access and custody	3,260	2,820	4,188	.	28	17	10,313
Access and custody and support	2,558	2,633	3,876	.	21	15	9,103
Access and custody and property and support	1,088	2,633	3,024	.	13	4	6,762
Total unique divorce cases with above issue(s) identified	**8,829**	**17,233**	**9,921**	**81**	**76**	**38**	**36,178**
Total active divorce cases	**54,972**	**29,267**	**21,955**	**225**	**135**	**50**	**106,604**
			percent				
All divorce cases with the following issue(s) identified:							
Access	47	20	43	...	42	45	33
Custody	49	19	65	93	74	87	39
Property[3]	38	100	78	...	57	39	78
Support	75	84	84	63	67	92	82
Access and custody	37	16	42	...	37	45	29
Access and custody and support	29	15	39	...	28	39	25
Access and custody and property and support	12	15	30	...	17	11	19
Total unique divorce cases with above issue(s) identified	**100**	**100**	**100**	**100**	**100**	**100**	**100**
Percentage of total active divorce cases with issue(s) identified	16	59	45	36	56	76	34

1. Alberta data for family cases at the superior court level, which would include all divorce cases, are not available prior to October 2007/2008.
2. In Yukon, information on the issues of access and property is not available.
3. Property issues are generally dealt with at the same time as divorce but under provincial and territorial family law legislation.
Note: The data represented in this table are collected by the Civil Court Survey from the operational systems used to register and track civil court proceedings in the reporting provinces and territories. Many of these systems do not capture the nature of corollary issues or relief sought when divorce cases are first initiated. Some of the information on the issues involved in divorce cases has been derived from activity over the life of the case, such as information on court orders although there is often limited judgment detail obtainable. Information related to these issues may be under reported and findings are limited to divorce cases where the information is available. The degree of under reporting is unknown. Data are not available for Nova Scotia. Categories are not mutually exclusive.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

How long are divorce cases active in court?

In 2008/2009, one-half of active divorce cases in the reporting provinces and territories were new cases started that year (Table 2a). Another one-quarter (26%) were initiated the year before and continued activity into 2008/2009. One-tenth (11%) of all active cases were more than four years old.

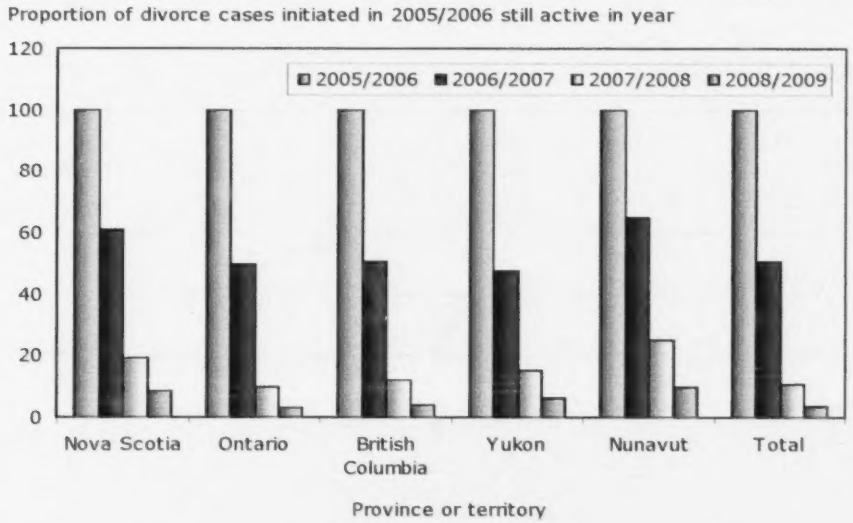
There is some provincial variation in the length of divorce cases. In Ontario, almost 60% of the active divorce cases in 2008/2009 were initiated that year, with 4% older than four years (Table 2a). Alberta and Yukon tended to have a larger proportion of older divorce cases with almost one-quarter (24%) more than four years old.

Overall and in three jurisdictions, Nova Scotia, Ontario and Yukon, the breakdown by length of case is similar for both active divorce cases and all other active family cases (Table 2a and table 2b). In Alberta and Nunavut, a greater proportion of divorce cases are older than other family cases. In Alberta, for example, 24% of divorce cases were more than four years old compared to 3% for other family cases. In British Columbia and the Northwest Territories, the reverse trend was true—the proportion of other family cases more than four years old was greater than that of divorce cases.

Family cases, including divorce cases, may flow in and out of court as issues are resolved. Unlike criminal cases, where charges against the accused are disposed of and cases are considered completed, family court cases may involve issues, such as child support, custody and access, that take time to resolve due to their complexity or level of conflict between the parties. Cases may also be brought back to court for variation on decisions previously made. Thus, cases may span over a number of years, but they may not necessarily have had activity in every year. One way of examining this phenomenon is to follow newly initiated cases over a period of years.

Complete information for all cases initiated in 2005/2006 is available for five of the reporting provinces and territories: Nova Scotia, Ontario, British Columbia, Yukon and Nunavut. Examining these cases for the four-year period ending in 2008/2009 shows that there is a fairly steep decline in activity over time. In particular, about one-half of these cases had activity the year after initiation, ranging from 47% in Yukon to 65% in Nunavut (Chart 1). At least one-tenth of divorce cases initiated in 2005/2006 in Ontario, British Columbia and Yukon continued to have court activity into the third year. The figures were higher for Nova Scotia (19%) and Nunavut (25%). By the fourth year, activity had declined to 3% of cases in Ontario up to 10% of cases in Nunavut.

Chart 1
Decline in activity for divorce cases initiated in 2005/2006 over four year period

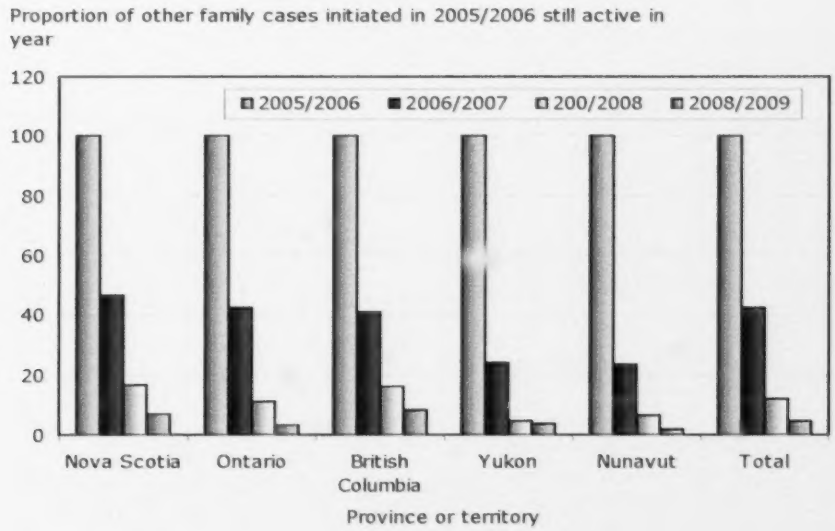


Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey

Two-thirds (67%) of the divorce cases that remained active into 2008/2009 were contested cases and at least 32% had dealt with the three issues of access, custody and support during the case.

In all five jurisdictions, family cases not involving divorce were less likely than divorce cases to be active the year following initiation (Chart 2).

Chart 2
Steeper decline in activity for all other family cases (non-divorce) initiated in 2005/2006, over same four year period



Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey

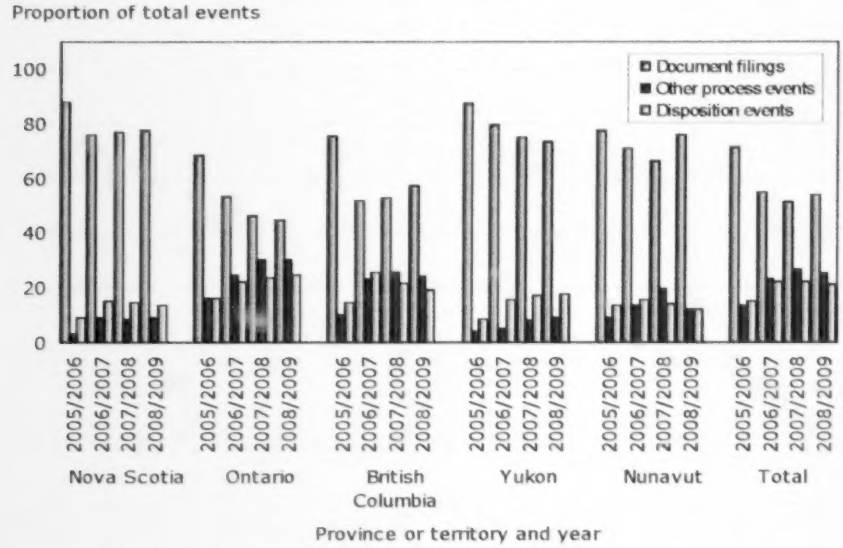
What kinds of court activity accompany divorce cases?

A variety of activities take place as divorce cases proceed through court, and the process and forms required at different stages of a case vary among the provinces and territories. There may be documents filed and other events, such as hearings or conferences that move cases forward through the civil court process. These types of events have been defined by the Civil Court Survey as process events. Other events, defined as disposition events, resolve or dispose of part or all of a case. These include judgments and other decisions made to settle, withdraw or dismiss a case, among others.

As divorce cases proceeded through court in 2008/2009, most case events (82%) were process events (Table 3). The vast majority of all process events were document filings which often accompany various stages of case activity, from the documents required at case initiation, to those filed during court hearings and those filed upon decisions made by the court.[10] Almost two-thirds (65%) of all divorce case events for the seven reporting provinces and territories were document filings, ranging from 58% in Ontario to 87% in the Northwest Territories (Table 3). Many of these documents were affidavits (23%), orders (14%), various notices and motions (10%), case initiating documents such as applications (9%), and divorce certificates (6%). Almost all divorce cases had at least one document filing during the year.

There are more document filings the first year of a case than in subsequent years of activity. For cases initiated in 2005/2006, in British Columbia, for example, filings declined from representing three-quarters of all events the first year to just over one-half (52%) the following year (Chart 3).[11] A decrease would be expected since there are certain documents required and associated with case initiation procedures and the early stages of a case.

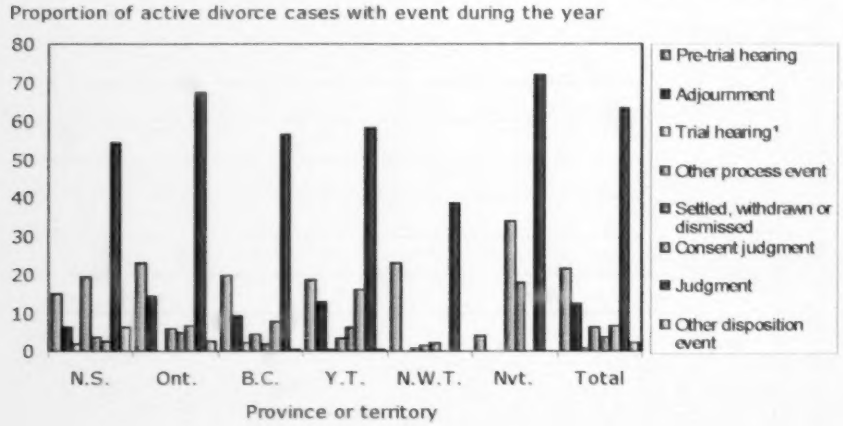
Chart 3
Divorce cases initiated in 2005/2006 by event activity over four years



Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey

Pre-trial hearings made up 6% of all process events for active divorce cases in 2008/2009, while hearing adjournments accounted for 5% (Table 3). In 2008/2009, about one in five cases had a pre-trial hearing held during the year in most of the reporting provinces and territories (Chart 4).

Chart 4
Active divorce cases in 2008/2009 by type of event during the year



1. Excludes Ontario. Ontario figures include trial hearings for uncontested divorces. An uncontested trial is a trial in which only the party making the claim provides evidence and submissions. The figures are therefore not comparable.
Note: Data for Alberta for the vast majority of these event categories are not available, therefore Alberta has been excluded from this chart.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

How often will divorce cases come to trial?

Divorce cases rarely reach the trial stage. In 2008/2009, less than 1% of all active divorce cases in Yukon, Northwest Territories and Nunavut, and 2% of cases in Nova Scotia and British Columbia, had a trial during the year (Chart 4).[12]

For cases initiated in 2005/2006 in four of the reporting provinces and territories, Nova Scotia, British Columbia, Yukon and Nunavut, 3% had a trial during the next four years.[13] One-tenth of these trials were held within the first six months of the case, while 29% were held between six months and one year and 45% were held during the second year.

How quickly are decisions reached in divorce cases?

Disposition events, including judgments, consent judgments, case settlements, or decisions made to withdraw or dismiss an action, made up 18% of all divorce case events (Table 3). The largest proportion was judgments, accounting for 16% of all events in 2008/2009.

For divorce cases, the first occurrence of a disposition commonly takes place soon after case initiation. In almost one-half (48%) of the active divorce cases in reporting provinces and territories in 2008/2009, the first disposition occurred within three months of case initiation, ranging from 29% in Nova Scotia to 53% in Ontario (Table 4).[14] In another 29% of divorce cases, the first disposition occurred between three and six months after case initiation. A judgment was the first disposition in almost all divorce cases with a disposition (91%).

Judgments include all decisions made by a judge or master, such as orders, interim orders, summary judgments, judgments granting a divorce and other decisions that resolve matters associated with the case. Divorce cases may involve many judgments over time as various issues, like custody, access, and support are resolved. At least one judgment of some kind was made in 63% of all active divorce cases in six of the reporting provinces and territories in 2008/2009 (data for Alberta are not available) (Chart 4).

In four of the reporting provinces and territories, support judgments were reported in at least 13% of active divorce cases that had had a judgment over the length of the case, custody judgments in at least 9% and access judgments in at least 8%.[15] One-half of all of these judgments occurred within the first six months of the case.

The divorce will not be finalized, but cases may also be disposed of if the parties settle or withdraw the case from court or if the court dismisses or discontinues the case. In 2008/2009, about 4% of all active divorce cases in six of the reporting provinces and territories were settled or withdrawn by the parties involved or dismissed by the court (data for Alberta are not available) (Chart 4).

Summary

There are many complexities to the civil court process and differences among the provinces and territories in the management of civil cases. This article has examined the processing of divorce cases through civil court in seven provinces and territories, Nova Scotia, Ontario, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut, using data from the Civil Court Survey. Findings show that divorce cases account for more than one-tenth of all civil court cases, and more than one-third of all family cases proceeding through court in 2008/2009.

Each year, civil courts handle new divorce cases, as well as ongoing divorce cases from a prior year. New cases accounted for about one-half of all divorce cases proceeding through civil court in the seven provinces and territories in 2008/2009. The majority of ongoing cases were no more than two years old, although there were some provincial and territorial differences in the age of divorce cases being handled through the court. Most of the activity throughout the divorce cases was the filing of documents. Decisions that resolved matters related to the case were commonly reached within the first six months of case initiation and the majority of divorce cases never reached a trial within the four-year period examined.

Detailed data tables

Table 1
Divorce caseload, initiated and active divorce cases, 2005/2006 to 2008/2009

Province or territory	Year	Divorce cases				Initiated divorce cases as percentage of all initiated family cases	Active divorce cases as percentage of all active family cases
		Initiated		Active[1]			
		number	percent change	number	percent change	percent	
Nova Scotia	2005/2006	2,650	..	5,675	..	36	35
	2006/2007	2,309	-13	5,688	0	35	36
	2007/2008	2,182	-6	5,356	-6	36	36
	2008/2009	2,161	-1	5,407	1	36	36
Ontario	2005/2006	34,456	..	57,541	..	34	35
	2006/2007	34,022	-1	59,037	3	35	36
	2007/2008	33,210	-2	58,602	-1	35	35
	2008/2009	32,369	-3	54,972	-6	33	33
Alberta[2]	2005/2006	..	..	..	..	..	..
	2006/2007	..	..	..	..	..	..
	2007/2008	4,871	..	18,472	..	15	34
	2008/2009	10,390	..	29,267	..	24	41
British Columbia[3]	2005/2006	11,342	..	18,702	..	44	33
	2006/2007	11,274	-1	20,293	9	45	36
	2007/2008	11,263	0	21,359	5	45	34
	2008/2009	11,008	-2	21,955	3	44	31
Yukon	2005/2006	99	..	246	..	32	39
	2006/2007	104	5	235	-4	35	41
	2007/2008	99	-5	251	7	33	42
	2008/2009	90	-9	225	-10	33	40
Northwest Territories[4]	2005/2006	..	..	..	..	..	..
	2006/2007	80	..	84	..	16	8
	2007/2008	57	-29	108	29	12	11
	2008/2009	75	32	135	25	16	13
Nunavut	2005/2006	20	..	45	..	4	7
	2006/2007	14	-30	48	7	3	6
	2007/2008	28	100	53	10	5	7
	2008/2009	11	-61	50	-6	2	6
Total[2,4]	**2005/2006**	**48,567**	**..**	**82,209**	**..**	**36**	**35**
	2006/2007	**47,803**	**..**	**85,385**	**..**	**31**	**32**
	2007/2008	**51,710**	**..**	**104,201**	**..**	**32**	**35**
	2008/2009	**56,104**	**..**	**112,011**	**..**	**32**	**34**

1. Active cases include all cases with activity during the year and thus include initiated cases.
2. Alberta data for family cases at the superior court level, which would include all divorce cases, are available for the final 6 months of 2007/2008 only.
3. Divorce cases in British Columbia may be under represented since the family matter is unknown in 20% of all family cases.
4. Data for the Northwest Territories are not available prior to 2006/2007.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

Table 2a
Active divorce cases in 2008/2009 by time since initiation

Province or territory	Time since initiation						
	1 year or less	Greater than 1 year to 2 years	Greater than 2 years to 3 years	Greater than 3 years to 4 years	Greater than 4 years	Unknown	Total
	number						
Nova Scotia	2,161	1,377	560	417	890	2	**5,407**
Ontario	32,369	15,349	3,525	1,734	1,995	0	**54,972**
Alberta	10,390	6,820	3,095	1,771	6,937	254	**29,267**
British Columbia	11,008	5,953	1,959	1,127	1,906	2	**21,955**
Yukon	90	51	18	13	53	0	**225**
Northwest Territories	75	39	20	1	0	0	**135**
Nunavut	11	27	2	3	7	0	**50**
Total	**56,104**	**29,616**	**9,179**	**5,066**	**11,788**	**258**	**112,011**
	percent						
Nova Scotia	40	25	10	8	16	0	**100**
Ontario	59	28	6	3	4	0	**100**
Alberta	36	23	11	6	24	1	**100**
British Columbia	50	27	9	5	9	0	**100**
Yukon	40	23	8	6	24	0	**100**
Northwest Territories	56	29	15	1	0	0	**100**
Nunavut	22	54	4	6	14	0	**100**
Total	**50**	**26**	**8**	**5**	**11**	**0**	**100**

Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

Table 2b
All other active family cases (non-divorce) in 2008/2009 by time since initiation

Province or territory	Time since initiation						Total
	1 year or less	greater than 1 year to 2 years	greater than 2 years to 3 years	greater than 3 years to 4 years	greater than 4 years	Unknown	
	number						
Nova Scotia	3,896	1,855	806	624	2,430	10	**9,621**
Ontario	67,200	27,468	8,805	4,278	4,054	0	**111,805**
Alberta	33,416	6,122	990	398	1,257	35	**42,218**
British Columbia	13,888	6,670	3,483	2,616	21,454	235	**48,346**
Yukon	179	56	16	19	71	0	**341**
Northwest Territories	398	164	67	52	251	0	**932**
Nunavut	547	84	17	14	58	0	**720**
Total	**119,524**	**42,419**	**14,184**	**8,001**	**29,575**	**280**	**213,983**
	percent						
Nova Scotia	40	19	8	6	25	0	**100**
Ontario	60	25	8	4	4	0	**100**
Alberta	79	15	2	1	3	0	**100**
British Columbia	29	14	7	5	44	0	**100**
Yukon	52	16	5	6	21	0	**100**
Northwest Territories	43	18	7	6	27	0	**100**
Nunavut	76	12	2	2	8	0	**100**
Total	**56**	**20**	**7**	**4**	**14**	**0**	**100**

Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

Table 3
Events in active divorce cases by type of event, 2008/2009

Type of event	Province and territory[1]						
	Nova Scotia	Ontario[2]	British Columbia	Yukon[3]	Northwest Territories	Nunavut[4]	Total
	number						
Total process events	**51,850**	**342,187**	**191,525**	**1,901**	**1,103**	**428**	**588,994**
Document filing	48,186	253,681	160,690	1,777	1,011	372	**465,717**
Pre-trial hearing[4,5]	1,241	32,011	7,923	50	89	2	**41,316**
Adjournment	587	16,430	20,163	66	0	0	**37,246**
Trial hearing[2]	124	31,827	1,323	1	1	0	**33,276**
Other process event[6]	1,712	8,238	1,426	7	2	54	**11,439**
Total disposition events	**6,962**	**91,854**	**32,179**	**263**	**55**	**91**	**131,404**
Settled by parties[3]	67	12	151	0	1	0	**231**
Withdrawn/abandoned	126	506	84	15	1	15	**747**
Dismissed/discontinued	4	2,070	702	.	1	0	**2,777**
Consent judgment	149	4,408	3,136	42	0	.	**7,735**
Judgment	6,016	82,771	28,044	205	52	76	**117,164**
Other disposition event[7]	600	2,087	62	1	0	0	**2,750**
Total events	**58,812**	**434,041**	**223,704**	**2,164**	**1,158**	**519**	**720,398**
Total active cases	**5,407**	**54,972**	**21,955**	**225**	**135**	**50**	**82,744**
	percent						
Total process events	**88**	**79**	**86**	**88**	**95**	**82**	**82**
Document filing	82	58	72	82	87	72	**65**
Pre-trial hearing[4,5]	2	7	4	2	8	0	**6**
Adjournment	1	4	9	3	0	0	**5**
Trial hearing[2]	0	7	1	0	0	0	**5**
Other process event[6]	3	2	1	0	0	10	**2**
Total disposition events	**12**	**21**	**14**	**12**	**5**	**18**	**18**
Settled by parties[3]	0	0	0	0	0	0	**0**
Withdrawn/abandoned	0	0	0	1	0	3	**0**
Dismissed/discontinued	0	0	0	...	0	0	**0**
Consent judgment	0	1	1	2	0	...	**1**
Judgment	10	19	13	9	4	15	**16**
Other disposition event[7]	1	0	0	0	0	0	**0**
Total events	**100**	**100**	**100**	**100**	**100**	**100**	**100**

1. Data for Alberta for the vast majority of these event categories are not available; therefore Alberta has been excluded from this table.
2. Ontario figures include trial hearings for uncontested divorces. An uncontested trial is a trial in which only the party making the claim provides evidence and submissions.
3. In the Yukon, most matters settled by parties are included under "Consent judgment".
4. Pre-trial hearing events in Nunavut are under-represented due to limited data entry in the Nunavut civil information system.
5. Pre-trial hearing includes: pre-trial hearing or conference, case management conference, discovery proceedings, motion/application/default hearing, status and reference hearings.
6. Other process event includes: Referral to Alternative Dispute Resolution or court-based assistance services, trial ready, enforcement hearing, appeal hearing, other and unknown hearing/conference.
7. Other disposition event includes: default and enforcement judgment, time limit expired, transferred to another court, other and unknown disposition event.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

Table 4
Elapsed time from case initiation to first disposition for active divorce cases, 2008/2009

Province or territory	Elapsed time[1]					Total divorce cases with disposition[2,3]	Total active divorce cases[4]
	less than or equal to 3 months	greater than 3 months to 6 months	greater than 6 months to 12 months	greater than 12 months to 24 months	greater than 24 months		
	number						
Nova Scotia	924	903	688	501	204	3,220	4,747
Ontario	21,177	10,713	5,148	2,754	251	40,043	52,977
Alberta[5]	3,443	2,702	1,680	287	0	8,112	14,559
British Columbia	6,248	4,709	2,472	999	322	14,750	20,814
Yukon	65	40	14	13	6	138	175
Northwest Territories	21	19	14	7	1	62	134
Nunavut	15	12	9	1	0	37	45
Total	**31,893**	**19,098**	**10,025**	**4,562**	**784**	**66,362**	**93,451**
	percent						
Nova Scotia	29	28	21	16	6	100	
Ontario	53	27	13	7	1	100	
Alberta[5]	42	33	21	4	0	100	
British Columbia	42	32	17	7	2	100	
Yukon	47	29	10	9	4	100	
Northwest Territories	34	31	23	11	2	100	
Nunavut	41	32	24	3	0	100	
Total	**48**	**29**	**15**	**7**	**1**	**100**	

1. Calculated only for active divorce cases where information on the date of first disposition is available. The event may have taken place prior to the start of data collection, therefore cases initiated prior to the date the province or territory began reporting to the Civil Court Survey are excluded.
2. A disposition is a court event that disposes part or all of the civil case (e.g., settlement, consent judgment and judgment).
3. In a small number of cases, for example when the date of initiation for a case is unknown, the elapsed time cannot be calculated. This results in some undercounting.
4. Includes only active divorce cases where information on the date of first disposition is available, therefore divorce cases initiated prior to the start of data collection in the province or territory are not included.
5. Alberta data for family cases at the superior court level, which would include all divorce cases, are not available prior to October 2007/2008.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Civil Court Survey.

Methodology

Description of the Civil Court Survey The objective of the Civil Court Survey (CCS) is to develop and maintain a national database of information on civil court events and cases. The survey is intended to be a census of all civil court activity in Canada. It collects microdata on court events at both the superior and provincial and territorial court levels. Appeal courts, federal courts (e.g., Tax Court of Canada) and the Supreme Court of Canada are out of scope for this survey.

Data limitations The collection of data is from administrative records stored in civil court automated information systems. Given that the data are derived from records originally kept for non-statistical purposes, complete survey information is not always available. Of note for this article is the fact that judgment information related to corollary issues, such as custody, access, support and property may be under reported. Findings are limited to divorce cases where the information is available. The degree of under reporting is unknown. Given that the data collection methodology requires the existence of detailed operational information systems that have not yet been developed in all jurisdictions, it will take time for the survey to achieve full coverage.

Reference and collection period The reference period is the 12-month fiscal period between April 1st and March 31st. Data are collected quarterly in the month following the end of the quarter (July, October, January and April).

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Notes

1. Two of the reporting provinces, Nova Scotia and Ontario, have some regions of the province served by unified family courts.

2. In regions not served by a unified family court, these issues, under provincial or territorial legislation, would be dealt with in provincial or territorial (lower) court, as opposed to superior court.

3. The Civil Court Survey allows for multiple issues, such as divorce, custody, access, support, and others, to be reported for a case as the case proceeds through court. For this analysis, a case is counted as a divorce case if divorce has been one of the issues reported for the case, over the length of the case.

4. Provincial and territorial law also governs the distribution of property upon divorce and all other family law matters related to parents and children, including adoption, child protection and guardianship. In some jurisdictions, for example Alberta, estate matters are not considered family matters.

5. Divorce is an age-related phenomenon which decreases with age but the crude rates do not take into account the age structure of the population (Statistics Canada 2008d). Differences in the age structure of the provincial and territorial populations contribute to some of the variation in crude divorce rates among the provinces and territories.

6. Between June and October 2006, the General Social Survey interviewed 23,608 people aged 15 or older living in a private household in the 10 provinces. Recently divorced persons included all those who were divorced between 2001 and 2006, whether they had been initially separated from that union within this same time frame or whether their initial separation occurred prior to this reference period. It also included those who did not have a separation period prior to their divorce. For a more detailed analysis on navigating couple dissolution and results related to both separated and divorce individuals, refer to *Navigating Family Transitions: Evidence from the General Social Survey*. Beaupré, Pascale and Elisabeth Cloutier. 2007. Statistics Canada Catalogue no. 89-625-XWE. Ottawa. Ontario.

7. A recently separated or divorced person was considered to have dependent children if they had any biological or adopted children with a former spouse or common-law partner and the children were under the age of 23 at the time of the survey. This survey coverage allowed for the inclusion of all parents whose children were under 18 at the time of any separation or divorce occurring within the five-year time frame of the survey. The analysis excluded records with "not stated" or "don't know" responses.

8. The data used for this analysis are collected by the Civil Court Survey from the operational systems used to register and track civil court proceedings in the reporting provinces and territories. These systems may not capture specific judgment information related to corollary issues, such as custody, access, support and property. Information related to these issues may be under reported and findings are limited to divorce cases where the information is available. The degree of under reporting is unknown.

9. Details on access, custody, property and support arrangements ordered by the court are not available from the Civil Court Survey due to the data reporting limitations mentioned in Note 8.

10. Note that for the Civil Court Survey, some document filing events (e.g., orders) may also represent a disposition event (e.g., judgment).

11. Proportions were calculated excluding initiation events for comparability between years of activity. Complete information for cases initiated in 2005/2006 is not available for Alberta and Northwest Territories since they began reporting to the Civil Court Survey in 2007/2008 and 2006/2007, respectively.

12. Ontario figures include trial hearings for uncontested divorces. An uncontested trial is a trial in which only the party making the claim provides evidence and submissions. The figures are therefore not comparable.

13. Excludes Ontario (see Note 12). Data for Alberta and Northwest Territories are not available for this time period, therefore they are also excluded.

14. Excludes those cases that were initiated prior to when the province or territory began reporting to the Civil Court Survey.

15. Data on access, custody, support judgments are not available for Nova Scotia, Alberta and Northwest Territories. Data on access judgments are not available for Yukon. Excludes those cases that were initiated prior to when the province or territory began reporting to the Civil Court Survey. Information related to these issues may be under reported and findings are limited to divorce cases where the information is available. Details on access, custody and support arrangements ordered by the court are not available from the Civil Court Survey due to the data reporting limitations mentioned in Note 8.

Definitions

Access: a type of issue in family cases that involves arrangements and conditions that set out contact or communication between children and a parent or third party.

Active cases: cases where at least one court event, which moves all or part of the case through the court process, has taken place in the current fiscal year. Thus all cases initiated in the year are considered active, as are those initiated in previous years that have events in the current year.

Adjournment: postponement of a court hearing or trial to another date.

Adoption: a type of issue in family cases that involves the adoption of one or more children.

Affidavits: voluntary sworn and signed statements made upon oath before an officer authorised to receive and administer oaths.

Answer: the defendant's response to the Statement of Claim, Application, Writ, or Petition.

Application: a request or petition before a person or court.

Case initiating documents: documents that begin a case in civil court. These may include an application, application for variation, petition and statement of claim, among others.

Census family: a household comprised either of a married or a common-law couple and with or without children, or a household comprised of a lone parent and at least one child in the home.

Central Registry of Divorce Proceedings (CRDP): the registration of divorce proceedings is the responsibility of the Central Registry of Divorce Proceedings (CRDP) of the Department of Justice Canada. The impetus for a central divorce registry arose from the need to eliminate duplicate divorce proceedings. The application form for a divorce is completed by the husband, the wife, or both spouses jointly and filed with a court. The registrar of the court then completes the application to the CRDP to obtain a Clearance Certificate confirming there is no duplicate divorce action in another court for the same marriage. This is possible as the CRDP maintains a record of pending divorce proceedings throughout Canada.

Child protection: a type of issue in family cases that involves government agency supervision of parents/guardians/caregivers or the apprehension of children into government care because of issues of parental abuse, neglect, or incapacity.

Civil court: a court dealing with civil or private matters; distinct from criminal court.

Civil Court Survey (CCS): a survey that gathers event and case-based information on civil court activity in Canada. The CCS collects data from superior and provincial courts hearing civil matters including general civil, family, probate, and small claims.

Civil protection: a type of issue in family cases where measures of protection are sought by an individual to ensure their safety and/or that of another individual (i.e., their child), including victim assistance order, emergency intervention order, civil protection order, or restraining order. Includes cases involving domestic violence and, in some jurisdictions, stalking.

Clearance certificate: certificate issued by the Central Registry of Divorce Proceedings (CRDP) to the court indicating that the parties involved in a divorce have not filed any other divorce applications. The court cannot grant a divorce until the clearance certificate has been received from the Central Registry of Divorce Proceedings (CRDP).

Conciliation: method of helping the parties in a dispute to reach agreement, especially divorcing or separating couples to part amicably.

Consent judgment: where a court order confirms an agreement reached by the parties.

Contested divorce: a divorce case in which the divorce or one or more issues is opposed or contested by one of the parties.

Corollary issues: secondary but related issues in a case. In a divorce case, these may include issues such as custody, support and access.

Crude divorce rate: The number of divorces per 100,000 population.

Custody: a type of issue in family cases that involves the care, control, parenting, and decision making regarding a child or children. Includes applications by parents and, in some jurisdictions, non-parents.

Dismiss: includes all cases dismissed or discontinued by the court, for want of action or jurisdiction, as a result of an application for summary judgment, or after a trial.

Disposition events: as defined by the Civil Court Survey, these are events that dispose of part or all of the civil case. They include settlements, stays, dismissals, consent judgments, default judgments, other judgments, expiry of time limits, and transfers to other courts.

Divorce: the legal dissolution of a legal marriage, distinct from situations where married persons have separated but have not yet obtained a divorce.

Divorce case: case in civil court dealing with the legal dissolution of a legal marriage. The Civil Court Survey allows for multiple issues, such as divorce, custody, access, support, and others, to be reported for a case as the case proceeds through court. For this analysis, a case is counted as a divorce case if divorce has been one of the issues reported for the case, over the length of the case.

Divorce certificate: certificate confirming that two individuals were divorced by a judgment which became effective on a particular date.

Enforcement: a type of issue in family cases that involves a request for enforcement of an existing order.

Estate matters: a type of issue in family cases that involves estate matters, such as dependants' relief support claims, or property claims.

Events: one of the basic units of count derived by the Civil Court Survey. Case events are grouped into three categories, Initiation Events, Process Events, and Disposition Events. These can include filings of documents, case conferences and hearings, and judgments.

Family case: cases involving family law-related issues, including child protection, divorce, separation, custody and access, division of property, support, and adoption.

First disposition: as defined by the Civil Court Survey, the first disposition event recorded after the initiation of a case. This may dispose of one or more issues or the entire case.

General civil case: as defined by the Civil Court Survey, any civil action that is not a family-related action.

General Social Survey: The two primary objectives of the General Social Survey (GSS) are: to gather data on social trends in order to monitor changes in the living conditions and well-being of Canadians over time; and to provide information on specific social policy issues of current or emerging interest.

Guardianship: a type of issue in family cases that involves the status as guardian of a child or children. Includes non-parents applying for appointment as a guardian, but excludes applications by government agencies in child protection cases.

Interim order: Often in family law cases, issues need to be resolved early in the process, at least temporarily, for example, parenting arrangements and child support. Either party may make a court application for a temporary order at any time after court proceedings have started. Parties set out evidence through affidavits (documents with sworn statements of fact) and a judge will review the documents and/or other testimony during an interim hearing. An interim decision (order) is then rendered by the judge.

Judgment: as defined by the Civil Court Survey - a decision made by a judge (or a master), including interim orders, orders, decisions on costs or other decisions that dispose of part of or all of the case, including summary judgments. It is possible for civil cases to have two or more judgments. For example, a case may obtain a judgment that disposes of one issue, but not all of the matters associated with the case.

Master: a provincially appointed judicial officer who is authorized to decide certain non-criminal matters.

Mediation: a process where a neutral third party (mediator), selected by the disputing parties, assists parties to reach agreement on issues in dispute.

Motion: a request to a judge for an order, either before, during, or after a trial or other proceeding.

Notice: document providing legal notification of something related to the case (e.g. Notice of Hearing, Notice of Appeal).

Order: a decision or directive of the court that decides any point or directs some steps in the proceedings.

Pre-trial hearing: hearing or conference before judge to clarify issues, encourage settlement and shorten trial hearing.

Process events: as defined by the Civil Court Survey, these are events that move the case forward through the civil process, but are not the initiating event. They include documents filed, discovery hearings, pre-trial hearings, motion/application hearings, status hearings, enforcement hearings, adjournments, trial hearings, and appeal hearings. Cases may have many process events.

Property: a type of issue in family cases that involves claims to property of two parties who lived together. Includes both statutory marital/family property claims (e.g., possession, division, or equalization of marital/family property of individuals who were cohabiting in a married or common-law relationship) and non-statutory property claims (e.g., unjust enrichment, constructive or resulting trust, etc).

Settle: an agreement by the parties regarding all outstanding issues, or agreement to terminate or forestall a lawsuit, including settlements without a trial or during trial.

Statement of defence: the defendant's response to the Statement of Claim, Application, Writ, or Petition.

Summary judgment: a judgment which is entered in favour of one party without a trial, as there are no real triable issues of fact presented for the record by way of a motion.

Superior courts: also known as Section 96 courts. These courts are known by various names, including Superior Court of Justice, High Court of Justice and Court of Queen's Bench. The superior courts have "inherent jurisdiction" which means that they can hear cases in any area except those that are specifically limited to a lower court. The superior courts generally hear more serious matters and try civil cases related to federal statutes, including divorce cases.

Support: a type of issue in family cases that involves child, spousal/partner, parental, or other unspecified support issues.

Trial: a proceeding before a judge or master to examine and determine issues of law or fact between parties to an action.

Uncontested divorce: a divorce case in which all issues are agreed on or are unopposed.

Unified family courts: specialists courts that only deal with issues involving family law and are presided over by federally appointed judges who may hear matters under both federal and provincial-territorial legislation. This approach permits all aspects of family matters to be dealt with in an integrated manner and eliminates the necessity of going before different courts to settle related matters.

Variation: If parties want a final order changed, for example, the party with whom the children reside may require more money, an application to the court is filed. The judge will make a decision after reviewing the documents (e.g., affidavits) filed with the application or any other testimony given in a court hearing.

Withdraw: when one or both of the parties withdraws from, or abandons, a case for any reason without direction from the Court.